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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,263	03/31/2004	Kalle Kangas	853.0003.U1(US)	7473

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EXAMINER	
WENDELL, ANDREW	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/815,263	KANGAS ET AL.	
	Examiner	Art Unit	
	Andrew Wendell	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/2006 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 5-7, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366) in view of Guo (US Pat Appl# 2006/0002338).

Regarding claim 1, Crocker et al. communication retry method over digital wireless systems teaches a method for establishing a wireless data transfer connection between a remote application (call center) 170 (Fig. 1) and a controlling application (mobile vehicle telematics unit) 120 (Fig. 1), where the wireless link from the remote application is implemented by a wireless terminal connected to the remote application, the method comprising arranging a group of allowable connection parameter settings

210 and 260 (Fig. 2), each connection parameter setting corresponding to a different service bearer (Section 0034, i.e. SMS, internet, voice, etc.); attempting to use a default connection parameter setting 210 (Fig. 2); detecting that the default connection parameter setting for the wireless link is not usable 220 (Fig. 2); selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035), wherein when a usable connection parameter setting is found, a service bearer corresponding to the usable connection parameter setting is used for the wireless data transfer 260 and 280 (Fig. 2). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo's transmission rate change in communications networks teaches arranging a group of allowable connection parameter settings (transmission power) in a pre-determined order S3-S8 (Fig. 3); attempting to use a default connection parameter setting S1-S3 (Fig. 3); detecting that the default connection parameter setting for the wireless link is not usable S3-S8 (Fig. 3); serially selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings in the pre-determined order one-after-another until a usable connection parameter setting is found S4-S8 (Fig. 3).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate connection parameter settings in a pre-determined order as taught by Guo into Crocker et al.

communication retry method over digital wireless systems in order to provide highest data rate, minimum transmit power, low delay, and low interference (Section 0011).

Regarding claim 5, the combination including Crocker et al. teaches attempting to establish a data transfer connection with a default connection parameter 210 (Fig. 2); determining if a data transfer connection has been established using the default connection parameter 220 (Fig. 2); if no data transfer connection has been established, trying a second time to establish a data transfer connection with the default connection parameter setting 250 (Fig. 2); and using the usable connection parameter setting to establish the data transfer connection 210 or 260 (Fig. 2 and Sections 0034-0035).

Regarding claim 6, the combination including Crocker et al. teaches further comprising noticing that the connection establishment is not possible because there is no backup connection parameter settings defined according to the third comparison phase or allowed according to the fourth comparison phase 270 ("Yes," Fig. 2).

Regarding claim 7, Crocker et al. teaches a wireless terminal (mobile vehicle telematics unit) 120 (Fig. 1) connected to a remote application (call center) 170 (Fig. 1); the wireless terminal comprising transmitting and receiving means (Sections 0013-0016), a memory (Sections 0013-0015), an application interface (Sections 0013-0015) and a central unit (Sections 0013-0015), where the central unit further comprises a control logic (Section 0013-0014), the control logic configured to attempt to use a default connection parameter setting 210 (Fig. 2), wherein the default parameter setting corresponds to a particular service bearer (Sections 0027-0028); to detect that the default connection parameter setting for the wireless link is not usable 220 (Fig. 2);

select another connection parameter setting for the wireless link from the group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035), wherein each of the allowable connection settings corresponds to a different service bearer (Section 0034). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo teaches attempting to use a default connection parameter setting S1-S3 (Fig. 3); detecting that the default connection parameter setting for the wireless link is not usable S3-S8 (Fig. 3); serially selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings, wherein the group of allowable connection parameter settings is ordered in a predetermined order, and wherein the connection parameter settings are serially selected, one-after-another, in the pre-determined order, until a usable connection parameter setting is found S4-S8 (Fig. 3).

Regarding claim 14, the combination including Guo teaches a list of allowable service operators in preferred order S3-S8 (Fig. 3).

Regarding claim 15, Crocker et al. teaches detecting a need for a data transfer across a wireless link 210 (Fig. 2); checking a default connection parameter setting 220 (Fig. 2), wherein the default connection parameter setting corresponds to a particular service bearer (Section 0027-0028); attempting to establish a connection with the default connection parameter setting 210 (Fig. 2); determining if the data transfer connection has been established using the default connection parameter setting 220 (Fig. 2); if no data transfer connection has been established, trying a second time to

establish a data transfer connection with the default connection parameter setting 250 (Fig. 2); if no data transfer connection is established after the second try, serially selecting another connection parameter setting for the wireless link from a group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035); and if a usable connection parameter setting is found, establishing a data transfer connection with the usable connection parameter setting 260 and 280 (Fig. 2), each of the connection parameter settings in the group of allowable connection parameter settings corresponding to a different service bearer (Section 0034). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo teaches checking a default connection parameter setting S3 (Fig. 3, power transmission); attempting to establish a connection with the default connection parameter setting S1-S3 (Fig. 3); determining if the data transfer connection has been established using the default connection parameter setting S3 (Fig. 3); serially selecting another connection parameter setting for the wireless link from a group of allowable connection parameter settings, wherein the group of allowable connection parameter settings is ordered in a predetermined order, and wherein the connection parameter settings are serially selected, one-after-another in the pre-determined order, until a usable connection parameter setting is found S4-S8 (Fig. 3); and if a usable connection parameter setting is found, establishing a data transfer connection with the usable connection parameter setting S9-S10 (Fig. 3).

Regarding claim 16, the combination including Crocker et al. teaches which further comprises noticing that the connection establishment is not possible because there is no backup connection parameter settings defined 270 ("Yes," Fig. 2).

Regarding claim 17, the combination including Crocker et al. teaches a computer program saved on an information carrier (Sections 0013-0015).

Regarding claim 18, Crocker et al. teaches detecting that a default connection parameter setting for the wireless link is not usable 220 (Fig. 2), wherein the default connection parameter setting corresponds to a particular service bearer (Sections 0027-0028); determining if a command has been received from a controlling application changing a default order for selection of connection parameter settings to a new order 250 and 260 (Fig. 2 and Sections 0034-0035) and, if so, selecting a connection parameter setting in the new order established by the controlling application 260 (Fig. 2), wherein each of the connection parameter settings in the default and new orders corresponds to a different service bearer (Sections 0027-0028 and 0034); and if no command has been received from the controlling application, selecting the connection parameter setting for the wireless link from a group of allowable connection parameter settings 260 (Fig. 2). Crocker et al. fails to clearly teach a new order.

Guo teaches detecting that a default connection parameter (transmission power) setting for the wireless link is not usable S3 (Fig. 2); determining if a command has been received from a controlling application changing an originally-defined order for selection of connection parameter settings to a new order and, if so, selecting a

connection parameter setting in the new order established by the controlling application S3-S8 (Fig. 3).

Regarding claim 19, Crocker et al. teaches arranging a group of allowable service operators (Sections 0034-0035), wherein a service operator ordered first comprises a default service operator 210 (Fig. 2); arranging a group of allowable connection parameter settings (Sections 0034-0035), wherein each of the connection parameter settings corresponds to a different service bearer (Sections 0027-0028 and 0034), and wherein a connection parameter setting ordered first comprises a default connection parameter setting 210 (Fig. 2); attempting to use the default service operator 210 (Fig. 2); if the default service operator is not usable, selecting another service operator from the group of allowable service operators 220 and 260 (Fig. 2); detecting a need for a data transfer over a wireless link 210 (Fig. 2); attempting to use the default connection parameter setting 210 (Fig. 2); and if the default connection parameter setting is not usable, selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035), wherein the usable connection parameter setting corresponds to a particular service bearer (Sections 0027-0028 and 0034). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo teaches arranging a group of allowable service operators (power transmission) in a pre-determined order S3-S8 (Fig. 3), wherein a service operator ordered first comprises a default service operator S1-S3 (Fig. 3); arranging a group of allowable connection parameter settings in a pre-determined order, wherein a

connection parameter setting ordered first comprises a default connection parameter setting; attempting to use the default service operator S3-S8 (Fig. 3); if the default service operator is not usable, serially selecting another service operator from the group of allowable service operators in the pre-determined order one-after-another until a usable service operator is found S3-S8 (Fig. 3); detecting a need for a data transfer over a wireless link S1-S3 (Fig. 3); attempting to use the default connection parameter setting S1-S3 (Fig. 3); and if the default connection parameter setting is not usable, serially selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings in the pre-determined order one-after-another until a usable connection parameter setting is found S3-S8 (Fig. 3).

Regarding claim 20, Crocker et al. teaches where the central unit (Sections 0013-0015) further comprises a control logic, the control logic configured to attempt to use a default connection parameter setting 210 (Fig. 2), the default connection parameter setting corresponding to a particular service bearer (Sections 0027-0028); to detect that the default connection parameter setting is not usable 220 (Fig. 2); to select a connection parameter setting for the wireless link from a group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035), wherein each of the allowable connection parameter settings comprising the group corresponds to a different service bearer (Section 0034); and selecting a service operator from a list of allowable service operators 260 (Fig. 2).

Guo teaches attempting to use a default connection parameter setting S1-S3 (Fig. 3, transmission power); detecting that the default connection parameter setting is

not usable S3 (Fig. 3); selecting a connection parameter setting for the wireless link from a group of allowable connection parameter settings S4-S8 (Fig. 3); and serially to select a service operator from a list of allowable service operators, wherein the list is in a pre-determined order, and wherein the service operators are selected one-after-another in the pre-determined order S3-S8 (Fig. 3).

1. Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366) in view of Guo (US Pat Appl# 2006/0002338).

Regarding claim 2, Crocker et al. communication retry method over digital wireless systems in view of Guo's transmission rate change in communications networks teaches the limitations in claim 1. Crocker et al. further teaches where after a successful data transfer connection the wireless terminal restores the original default connection parameter setting. The first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate restoring to the original default connection into connection parameter settings in a pre-determined order as taught by Guo into Crocker et al. communication retry method over digital wireless system in order to improve the method of reestablishing communication links (Section 0006).

Regarding claim 3, the combination including Crocker et al. teaches where the original connection parameter setting is restored immediately after the successful data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 4, the combination including Crocker et al. teaches where the original connection parameter setting is restored when a predetermined time (any time limit), defined by the controlling or remote application, has been lapsed after the successful data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate. It has to happen at a predetermined time (any time) for it to actually restore to the default connection.

Regarding claim 8, the combination including Crocker et al. teaches restoring the original default connection parameter setting after a successful data transfer connection. The first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 9, the combination including Crocker et al. teaches restoring the original connection parameter setting immediately after the successful data transfer

connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 10, the combination including Crocker et al. teaches restoring the original connection parameter setting is restored when a predetermined time (any time limit), defined by the controlling or remote application, has been lapsed after the successful data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate. It has to happen at a predetermined time (any time) for it to actually restore to the default connection.

2. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366) in view of Guo (US Pat Appl# 2006/0002338) and further in view of Provost et al. (US Pat Appl# 2004/0203948).

Regarding claim 11, Crocker et al. communication retry method over digital wireless systems in view of Guo's transmission rate change in communications networks teaches the limitations in claim 7. Crocker et al. and Guo fails to teach a GSM terminal.

Provost et al. system for acknowledging a message received on a mobile terminal teaches where the wireless terminal is a GSM terminal (Sections 0048 and 0061-0062).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a GSM terminal as taught by Provost et al. into connection parameter settings in a pre-determined order as taught by Guo into Crocker et al. communication retry method over digital wireless system in order to provide a read acknowledgment system (Section 0005).

Regarding claim 12, Provost et al. further teaches where the group of allowable connection parameter settings allowed for GSM terminal comprises at least two of the following: GPRS (Section 0002) and SMS (Sections 0031 and 0048).

Response to Arguments

Applicant's Remarks	Examiner's Response
"It is not seen what relevance Crocker's teachings have to the claimed subject matter at issue, where an alternate communication parameter setting (which corresponds to a particular service bearer) is serially selected "in the predetermined order one-after-another until a usable connection parameter setting is found."	Examiner admits in the office action that Crocker connection parameter settings in a pre-determined order. The examiner uses Guo to teach that limitation (see above office action).
"The relied-upon portions of the Guo application do not concern selection of an alternate service bearer."	Crocker teaches alternate service bearers (Sections 0027-0028 and 0034, see above office action).

"It does not follow this or the remaining portions of Guo that power level settings are serially selected, one-after-another, in pre-determined order until a usable power level setting is selected."	In section 0053 of Guo, it states "In step S7, the transitional signal power is increased by a predetermined step." Guo clearly teaches a pre-determined order
"It is improper to combine the teaching of Guo with that of Crocker, because it changes the underlying principle of operation of Crocker's method."	3. In response to applicant's argument that it is improper to combine Guo with Crocker, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Both Crocker and Guo are in a wireless communication network and trying to establish a connection. Therefore, Crocker and Guo are combinable.

"Applicants respectfully submit that it is not seen why it is obvious in view of the Crocker application that transmission is switched back to the default connection parameter after a pre-determined time."	The claim does not say how soon after the successful data transfer connection when it goes back to the original default setting. So, when the call is complete from the successful second link connection based on the figure (Fig. 2), it would be obvious the next new call it will start again with the default connection 210 (Fig. 2) based on Figure 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Wendell
Examiner
Art Unit 2618

2/20/2007

NAY MAUNG
SUPERVISORY PATENT EXAMINER